

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

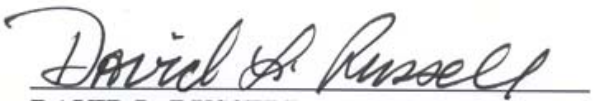
<b>VINCENT MICHAEL MARINO,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CIV-11-1465-R</b>
	)	
<b>WARDEN KASTNER, et al.,</b>	)	
	)	
<b>Respondents.</b>	)	

**ORDER**

Before the Court is the Report and Recommendation of United States Magistrate Judge Valerie K. Couch recommending dismissal of this 28 U.S.C. § 2241 action upon filing because Petitioner in his claims does not challenge the execution of his sentence. *See* Doc. No. 9. Also before the Court is Petitioner's affidavit/motion in opposition to the Report and Recommendation [Doc. No. 10], which the Court treats as an objection to the Report and Recommendation. In his objection, Petitioner merely reiterates the merits of his claims.

The Magistrate Judge correctly determined this action fails to state a claim for habeas relief under 28 U.S.C. § 2241 because it does not challenge the execution of Petitioner's sentence. Rather, Petitioner's claims are properly brought as a *Bivens* action. Therefore, the Report and Recommendation of the Magistrate Judge is ADOPTED and this case is summarily DISMISSED upon filing

IT IS SO ORDERED this 14<sup>th</sup> day of February, 2012.

  
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DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE